IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO.330 OF 2009
IN
SUIT NO.242 OF 1983

M/s.Dossa Haijee .. Plaintiff
Versus
N.Jhajhavia and Ors. .. Defendants.

Mr.Zal Andhyarujina with B.D'Souza for plaintiff
Mr.Ketkar 1st Assistant to Court Receiver present.

CORAM : S.C.DHARMADHIKARI, J.

DATE : November 23, 2009.

P.C.:

1] From a perusal of this report and the demand of the Court Receiver, it is apparent that the Receiver's office is not informed about the decree passed in the suit. Plaintiffs' suit for possession has been decreed by this Court. During the pendency of the suit, it was plaintiff who was in possession as an Agent of Court Receiver. Therefore, the notice from the Receiver's office directing the plaintiff to hand over possession is misconceived and untenable in law. Once the suit is decreed the fruits of the decree must be enjoyed by the plaintiff and he is entitled to retain possession of the premises.

2] Court Receiver, should therefore, withdraw his notice and he stands discharged in the matter but upon payment of his usual costs, charges and expenses. Accordingly, Court Receiver stands discharged without passing accounts. All the amounts which are standing to the credit of the suit, shall after deductions of the aforementioned sums, be paid over to the plaintiffs with accrued interest. Court Receiver's report and the chamber summons disposed of accordingly.

(S.C.DHARMADHIKARI, J)